

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ADRIAN T. HORRELL,**  
**Plaintiff**

**v.**

**ABB ENTERPRISE SOFTWARE,**  
**Successor to ABB TROPOS WIRELESS**  
**RESEARCH CENTER,**  
**A DIVISION OF ABB, INC.,**  
**Defendants**

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**No. 1:20-cv-01454**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 23rd day of March 2021, upon consideration of Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 8), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT** Defendants' motion is **GRANTED**, as follows:

1. Counts 1 and 5 of the Amended Complaint are **DISMISSED WITH PREJUDICE**;
2. Counts 2 (fraud), 3 (negligent misrepresentation), and 4 (promissory estoppel) are **DISMISSED WITHOUT PREJUDICE**; and
3. Within twenty-one (21) days of the date of this Order, Plaintiff may file a second amended complaint to attempt to address the pleading deficiencies in Counts 2, 3, and 4 identified in the accompanying Memorandum.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania